

### **REMARKS**

In response to the Office Action mailed October 1, 2009, Applicants respectfully request reconsideration. Claims 1-13, 15-19, 21-23, 25-32 and 35-51 were previously pending for examination. Claims 21 and 23 have been amended herein. No claims have been canceled. As a result, claims 1-13, 15-19, 21-23, 25-32 and 35-51 are currently pending with claims 1, 21, 23, 32 and 37 being independent. No new matter has been added.

### **Allowable Subject Matter**

Applicants thank the Examiner for indicating that claims 1-13, 15-19, 32 and 35-51 are allowable.

### **Claim Rejections – 35 U.S.C. §103**

The Office Action rejects claims 21-23 and 25-31 under 35 U.S.C. §103 based on Flickner (6,577,329) and Gorbet (U.S. 6,542,163). Independent claims 21 and 23 have been amended. Applicants respectfully submit that the claims distinguish over the cited art and are in condition for allowance.

Support for amendments to claim 21 may be found throughout the application as filed, including at page 12, lines 22-23 and in FIGs. 13-14 and the accompanying text.

Support for amendments to claim 23 can be found throughout the application as filed, including at page 17, lines 1-5.

### ***Independent Claim 21***

Neither Flickner nor Gorbet describes a system that dynamically positions message heralds as claimed. Rather, Flickner describes a system to determine whether a user is interested in information that may appear on a ticker interface. As understood, the system of Flickner provides a fixed area for a ticker-like display to scroll across the screen (Col. 2, lines 59-61). The system

determines whether the user looks at the display area for the ticker and then determines what information was on the ticker at the time the user looked at it (Col. 3, lines 40-48; Col. 4, lines 11-15). Based on how long the user looks at information displayed on the ticker, the system infers a level of user interest in that information (Col. 5, lines 38-40).

Though the messages displayed in Flickner may move, as the reference is understood, the position of the message is based on the location of the ticker interface and the passage of time, not on the priority of the message. Whether or not the user regards a message as interesting or focuses on a message, the messages will continue to move, presumably at the same rate. Thus, it is clear the Flickner does not disclose dynamically locating a herald such that “the distance between the herald location and the user's focus of attention decreases with increasing message priority,” as claimed.

The Office Action also cites Gorbet, Col. 13, lines 25-40, as teaching this limitation. However, the cited passage of Gorbet describes determining whether to display a tip for operating a computer application program based on how quickly a user is interacting with the computer application program. The cited passage of Gorbet makes no mention of changing the location at which the tip is displayed. It follows that Gorbet cannot teach changing the location such that “the distance between the herald location and the user's focus of attention decreases with increasing message priority.”

Accordingly, even if the references were combined, the combination would not meet at least the limitation of claim 21 that requires “the distance between the herald location and the user's focus of attention decreases with increasing message priority.”

Moreover, even if the references could somehow be interpreted as meeting this limitation, other limitations of the claim would not be met. Neither of the references relates to a message priority as claimed. The feature of Flickner that the Office Action equates with “priority” is understood to be an indication of how long a user looks at an item. In Gorbet, the feature that the Office Action equates with priority is understood to be how quickly a user is using features of an application. Neither reference describes that “the priority of the message increases as time passes without the user providing the user input involving the herald,” where the “user input” is used by a

“means for expanding the information relating to the message presented in the user’s workspace based on a user input involving the herald.”

Thus, there are multiple reasons that independent claim 21 distinguishes over the cited references and should be allowed.

### *Independent Claim 23*

Independent claim 23 also distinguishes over the cited references. As should be apparent from the discussion of Flickner and Gorbet, above, neither reference describes “the output region being spaced relative to the user's focus of attention such that: the separation between the output region and the focus of attention decreases as the priority of the message increases,” as claimed.

Moreover, even if the references could somehow be interpreted as meeting this limitation, other limitations of the claim would not be met. Neither reference describes “the output region being spaced relative to the user's focus of attention such that: ...the output region is separated from the focus of attention such that the output region does not overlay a current work position,” as claimed. As the rejection is understood, to the extent the Office Action deems that Flickner shows positioning an information herald relative to the focus of attention, that information herald is where the user is gazing, and cannot be said to be “separated from the focus of attention,” as claimed.

The cited passage of Gorbet describes disabling tips based on priority, and does not mention selecting a position for displaying tips. It follows that the cited passage is not related to dynamically moving the output region. It follows that the cited passage of Gorbet does not describe dynamically moving the output region in a way that meets all limitations of claim 23.

Accordingly, even if the references were combined, the combination would not meet at least this further limitation of claim 23.

For at least these reasons, the rejection of claim 23 should be withdrawn.

### General Comments on Dependent Claims

Each of the dependent claims depends from a base claim that is believed to be in condition for allowance, and Applicants believe that it is unnecessary at this time to argue the allowability of

each of the dependent claims individually. Applicants do not, however, necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

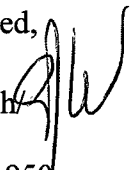
**CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance. A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the application in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, any necessary extension of time is hereby requested. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. M1103.70728US00.

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Respectfully submitted,

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